

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dunbar Confirmation No.: 1189  
Serial No. : 10/761,036 Art Unit : 3733  
Filed : 1/20/2004 Examiner : Hoffman, Mary C  
Title : Spinal Rod Approximator

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically filed via EFS-Web to the Commissioner for Patents with the U.S. Patent and Trademark Office on:

Name (print/type)	Amy Pelletier	
Signature	/Amy Pelletier/	Date 9/27/2010

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION REGARDING PATENT TERM ADJUSTMENT**

Applicants reviewed the USPTO calculation of the patent term adjustment for the above-referenced patent and agree with the patent term adjustment of 0 days as calculated by the USPTO. However, Applicants believe that the Applicant's Delay of 334 days as calculated by the USPTO is incorrect.

The IDS filed on 6/11/2010 was filed 72 days after the filing of an RCE on 3/31/2010. The USPTO should have deducted 72 days of patent term to account for this delay. Thus the applicant's delay should be 406 days.

Respectfully submitted,

By: /David A. Lane, Jr.  
David A. Lane, Jr.  
Registration No. 39261

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(508) 880-8488  
Dated: September 27, 2010